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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/780,473	02/17/2004	Carel J.L. Van Driel	PHN 16-613A	1391
24737	7590	12/23/2005	EXAMINER	
PHILIPS INTELLECTUAL PROPERTY & STANDARDS P.O. BOX 3001 BRIARCLIFF MANOR, NY 10510			JAIN, RAJ K	
			ART UNIT	PAPER NUMBER
			2664	

DATE MAILED: 12/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/780,473	VAN DRIEL, CAREL J.L.	
	Examiner	Art Unit	
	Raj Jain	2664	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 October 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 11-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 11-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 11-16 are rejected under 35 U.S.C. 102(e) as being anticipated by Lancelot et. al (US006026086A).

Regarding claimd 11, 15 and 16 Lancelot discloses a communication network (Fig. 1) comprising a plurality of secondary nodes (110) being coupled to at least one primary node (105), the secondary nodes comprising:

- transmission means for transmitting packets to the primary node according to predetermined transmission properties (see Fig. 6, col 10 line 53-col 12 line 5, a secondary node 500 performs the transmission to the primary node 510 and performs the translation via the interworking function 505. See col 9 lines 20-30, the CACS protocol contains the appropriate transmission properties such as error control to provide for uniform transmission between differing networks); and

- a first address translation means (see Figs. 1 & 6, primary or secondary station does the first translation via 518 or 505) for translating initial address information carried by packets received from at least one terminal device (Fig. 1, terminal device

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150) into address information carrying information about the transmission properties to be used for transmitting associated packets and a destination node, the communication network comprising a second address translating means for translating the address information back into the initial address information (see Fig. 6, second address translation is performed at the again primary or secondary nodes 110 via the interworking function 505 or 518, see col 3 lines 45-67, col 11 line 20-24).

Regarding claim 13, Lancelot discloses wherein the primary node comprises the second address translation means (see Fig. 6, reference 518).

Regarding claim 14, Lancelot discloses network comprising cross connect means for passing packets from the secondary nodes to an outside network, wherein the second address translating means are arranged for translating the address information before the packets are applied to the cross connect means. (see Fig. 1, reference 125, OMB, col 3 lines 35-45, OMB provides an provisioning functionality between networks such as packet switched and circuit switched, however, the address translation is performed only at the primary and secondary nodes even before they are applied to the OMB).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lancelot et. al (US006026086A) as applied to claim 11 above, and further in view of Deiss (US Pat. 5,802,063).

Lancelot discloses a unified circuit switched and packet switched network with interworking functionality.

Lancelot fails to disclose selecting of packets based on their header information.

Deiss discloses selecting of packets based on their header information (see Fig. 3, col 1 lines 57-67). Packet selection based on header information provides for immediate and/or upto the minute information on short notice as desired from one node to the next as appropriate. Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made incorporate the teachings of Deiss within Lancelot so as to offer upto the minute changes to transmission packets traversing from source node to destination node with the proper information as desired.

Response to Arguments

Applicant's arguments with respect to claims 11-16 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Raj Jain whose telephone number is 571-272-3145. The examiner can normally be reached on M-F.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wellington Chin can be reached on 571-272-3134. The fax number for the organization where this application is assigned is 571-273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-2600.

RJ
December 13, 2005


Ajit Patel
Primary Examiner